



10-29-02

~~DAE~~

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dakai Liu and Elazar Rabbani)
Serial No. 09/046,840)
Filed: March 24, 1998)
Title: NOVEL VIRAL VECTOR AND)
PACKAGING CELL LINES)

Group Art Unit: 1635

Examiner: David Guzo

527 Madison Avenue, 9th Floor
New York, New York 10022
October 28, 2002

FILED BY EXPRESS MAIL

Director of Patents and Trademarks
Washington, D.C. 20231 **Box DAC**

Attention: Office of Deputy Assistant
Commissioner for Patents
2121 Crystal Drive
Crystal Park 2 - Suite 913
Arlington, Virginia 22202

RECEIVED

OCT 31 2002

OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed.

The above-identified application became unintentionally abandoned after October 27, 2001, which was the date that an appeal brief under 37 CFR 1.17(c) was due. Because October 27, 2002 falls on a Sunday, under 37 C.F.R. §1.11, action may be taken on the next succeeding day which is not a Sunday, Saturday or a Federal holiday. Accordingly, this Petition is being otherwise timely filed.

Enz-56(D3)

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Dakai Liu and Elaz Rabbani

Serial No. 09/046,840

Filed: March 24, 1998

Page 2 [Petition Under 37 C.F.R. §1.137(b) To Revive

An Unintentionally Abandoned Application - October 28, 2002]

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. EL869104758US

Deposit Date October 28, 2002

I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.


Ronald C. Fedus

Reg. No. 32,567

OCT 28 2002
Date

Dakai Liu and Elaz Rabbani

Serial No. 09/046,840

Filed: March 24, 1998

Page 3 [Petition Under 37 C.F.R. §1.137(b) To Revive

An Unintentionally Abandoned Application - October 28, 2002]

A Notice of Abandonment was mailed in the form of a Communication dated May 1, 2002. A copy of the May 1, 2002 Communication is attached to this Petition as Exhibit 1.

It is hereby requested that this application be revived because the delay in taking action was unintentional. Furthermore, the entire delay in filing the required response from the due date for such response until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The required response in the form of a Continued Prosecution Application (CPA) is being submitted concurrently herewith and is attached as Exhibit 2.

The small entity fee for filing this Petition is \$620.00. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite small entity fee of \$620.00 set forth in 37 C.F.R. §1.17(m). The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition and the attached Amendment, or to credit any overpayment thereto.

A duplicate copy of this Petition but without attached Exhibits 1 and 2 is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,


Ronald C. Fedus

Registration No. 32,567

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/046,840	03/24/1998	DAKAI LIU	ENZ-56(DIV3)	2602

28169 7590 05/01/2002

ENZO THERAPEUTICS, INC.
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EXAMINER

GUZQ, DAVID

ART UNIT

PAPER NUMBER

1636

DATE MAILED: 05/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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OFFICE OF PETITIONS



Communication Re: App al

Application No 09/046,840	Applicant(s) LIU ET AL.
Examiner David Guzo	Art Unit 1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The Notice of Appeal filed on _____ is not acceptable because:

- (a) ☐ it was not timely filed.
- (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).
- (c) ☐ the appeal fee received on _____ was not timely filed.
- (d) ☐ the submitted fee of \$_____ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$_____.
- (e) ☐ the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
- (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on _____.

2. ☐ The appeal brief filed on _____ is NOT acceptable for the reason(s) indicated below:

- (a) ☐ the brief and/or brief fee is untimely. See 37 CFR 1.192.
- (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).
- (c) ☐ the submitted brief fee of \$_____ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$_____.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).

3. ☒ The appeal in this application is DISMISSED because:

- (a) ☐ the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- (b) ☒ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- (c) ☐ Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on _____.
- (d) ☐ other: _____

4. ☒ Because of the dismissal of the appeal, this application:

- (a) ☒ is abandoned because there are no allowed claims.
- (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c) ☐ is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114.

DAVID GUZO

PRIMARY EXAMINER